

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA

vs.

SERGIO RIOS

Case no. : 1:05-cr-264-LSC

SUPPLEMENTAL MOTION TO CONTINUE TRIAL

On December 7, 2005, Mr. Rios filed his motion to continue the trial in this cause presently scheduled for February 13, 2006. In addition, the motion also requested that all deadlines established in the Court's Order on Arraignment issued on December 1, 2005, be extended. The undersigned appeared on Mr. Rios' behalf as additional counsel and formally entered his appearance the next day. The supplemental information contained herein is relevant to the Court's consideration of the motion to continue and is set forth as follows:

1. Following undersigned counsel's entry into the case on behalf of Mr. Rios on January 4, 2006, undersigned counsel arranged for co-counsel to forward discovery from Dothan to Montgomery in order to begin the process of reviewing the same.

2. As was pointed out to the Magistrate Judge at the pretrial conference on January 3, 2006, part of the government's evidence which has been disclosed in discovery includes seven loose leaf binders of summaries of telephone calls recorded by the government apparently Title III of the Omnibus Crime Control and Safe Streets Act of 1968 ("Title III"), 18 U.S.C. § 2510, et. seq. Each of these summaries corresponds to a separate call which was recorded and there were approximately 2000 - 3000 calls reflected in the summaries contained in the seven loose leaf binders.

3. Under Title III, the government is authorized to intercept wire communications in the investigation of certain enumerated criminal offenses, *see* 18 U.S.C. § 2516, with prior court approval, *see id.* § 2518. In order to obtain a court order authorizing the interception of wire

MOTION GRANTED

THIS 24th DAY OF January, 20 06

/s/ L. Scott Coogler

UNITED STATES DISTRICT JUDGE